

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 9, 2005

IN RE:

**APPLICATION OF COMM SOUTH COMPANIES, INC.
D/B/A COMM SOUTH IN TENNESSEE FOR AUTHORITY
TO PROVIDE OPERATOR SERVICES AND/OR RESELL
TELECOMMUNICATIONS SERVICES IN TENNESSEE
PURSUANT TO RULE 1220-4-2-.57**

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**DOCKET NO.
97-01327**

Company ID: 126483

**ORDER GRANTING CANCELLATION OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICES
AND DENYING WAIVER REQUEST**

This matter came before Chairman Ron Jones, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority ("Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 17, 2005 for consideration of the *Application of Comm South Companies, Inc. to Discontinue Residential Local Exchange and Interexchange Services and Request for Waiver of the Ninety-Day Discontinuance Notification Period* ("Application for Cancellation") filed on September 15, 2005.

Comm South Companies, Inc. d/b/a Comm South in Tennessee (the "Company") originally filed an Application for authority to provide operator services and/or resell telecommunications services on July 7, 1997. During a regularly scheduled Authority Conference held on August 19, 1997, the Directors found that the Company had met all the requirements for certification and the requirements of Tenn. Comp R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 and Tenn Code Ann. § 65-4-201, and approved the Application.

On September 15, 2005, the Company requested that the TRA cancel its authority and approve a waiver of TRA Rule 1220-4-8- 05(1)¹ to allow the Company to provide a 45-day discontinuance notice to its customers instead of the 90-day notice required by the rule. In its *Application for Cancellation*, the Company states that it has filed for Chapter 7 bankruptcy protection and is liquidating its business and assets, including discontinuing telecommunications services.² On September 13, 2005, Comm South notified its customers that they had until December 12, 2005 to find another service provider.³

October 17, 2005 Authority Conference

At a regularly scheduled Authority Conference held on October 17, 2005, a majority of the panel voted to deny the Company's request for a waiver of TRA Rule 1220-4-8- 05(1) and to grant the Company's request to cancel its authority effective December 12, 2005.⁴

IT IS THEREFORE ORDERED THAT:

1. The Company's request for a waiver of TRA Rule 1220-4-8-.05(1) is denied
2. The authority of Comm South Companies, Inc. d/b/a Comm South in Tennessee to provide operator services and/or resell telecommunications services in Tennessee is cancelled effective December 12, 2005.



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director

¹ TRA Rule 1220-4-8- 05(1) states.

Any Local Telecommunications Service Provider, except a telecommunications service provider with carrier of last resort obligations, which plans to discontinue providing all local service under its certificate in any or all local calling areas shall file formal notification with the Authority and all its affected customers by direct mail ninety (90) days in advance of the last anticipated day of service

² *Application for Cancellation*, p 2 (September 15, 2005)

³ *Id*

⁴ Chairman Jones moved to grant the Company's request for cancellation and its request for a waiver of TRA Rule 1220-4-8- 05(1) He stated that the Company had provided a sufficient basis for a waiver of the rule by asserting that its resources were sufficiently depleted calling into question its ability to maintain its fiscal arrangements with underlying facilities-based carriers beyond forty-five days. Chairman Jones's motion failed to receive a second